

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

TASER INTERNATIONAL, INC., <i>et al.</i> ,)	
)	Case No.: 1:10-CV-03108-JEC
Plaintiffs,)	
)	[On removal from the State
v.)	Court of Fulton County,
)	Georgia Case No.:
MORGAN STANLEY & CO., INC., <i>et al.</i> ,)	2008-EV-004739-B]
)	
Defendants.)	
)	

**NOTICE TO TAKE FEDERAL RULE OF CIVIL PROCEDURE 30(b)(6)
DEPOSITION OF DEFENDANT MORGAN STANLEY & CO.,
INCORPORATED, GOLDMAN, SACHS & CO., GOLDMAN SACHS
EXECUTION & CLEARING, L.P., MERRILL LYNCH, PIERCE, FENNER
& SMITH, INC., AND BANC OF AMERICA SECURITIES, LLC**

TO: Attorney for Defendants

Richard H. Sinkfield, Esq.
Rogers & Hardin
2700 International Tower, Peachtree Center
229 Peachtree Street, N.E.
Atlanta, Georgia 30303-1601

COME NOW plaintiffs¹ in the above-referenced matter pursuant to Fed. R. Civ. P. 30(b)(6) and notice the deposition of an individual designated by MORGAN STANLEY & CO., INCORPORATED, GOLDMAN, SACHS & CO.,

¹ Plaintiffs object to the improper removal of this case and do not believe that this court has subject matter jurisdiction in this case. Plaintiffs have filed a motion to remand which is currently pending.

GOLDMAN SACHS EXECUTION & CLEARING, L.P., MERRILL, LYNCH, PIERCE, FENNER & SMITH, INC., BANC OF AMERICA SECURITIES, LLC to testify about the matter identified on Exhibit A attached hereto. The depositions will take place as follows:

- (1) Morgan Stanley & Co., Inc. – December 14, 2010 at 9:00 AM;
- (2) Goldman Sachs – December 14, 2010 at 1:30 PM;
- (3) Merrill Lynch, Pierce, Fenner & Smith, Inc. – December 15, 2010 at 9:00 AM; and
- (4) Banc of America Securities – December 15, 2010 at 1:30 PM.

The depositions will occur at the offices of Rogers & Hardin, 2700 International Tower, Peachtree Center, 229 Peachtree Street, N.E., Atlanta, GA 30303, or at such other time and place as may be mutually agreed upon by the parties. The depositions will take place before a person authorized by law to administer oaths and will be recorded by sound, videotape and/or stenographic means. The depositions will be taken for all purposes allowable under the Federal Rules of Civil Procedure.

Respectfully submitted this 11th day of November, 2010.

/s/ Elizabeth G. Eager

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this day, a true and correct copy of the foregoing

NOTICE TO TAKE FEDERAL RULE OF CIVIL PROCEDURE 30(b)(6)

DEPOSITION OF DEFENDANT MORGAN STANLEY & CO.,

INCORPORATED, GOLDMAN, SACHS & CO., GOLDMAN SACHS

EXECUTION & CLEARING, L.P., MERRILL LYNCH, PIERCE, FENNER

& SMITH, INC., AND BANC OF AMERICA SECURITIES, LLC was

electronically filed with the Clerk of Court using the Court's electronic filing system which will automatically send an email notification of such filing to the following attorneys of record who are registered participants in the Court's electronic notice and filing system:

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Further, I hereby certify that on this day, I caused to be served a true and correct copy of the foregoing via United States mail on:

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This 11th day of November, 2010.

/s/ Elizabeth G. Eager
Elizabeth G. Eager
Georgia Bar No. 644007

EXHIBIT A

EXHIBIT A

1. For each day between January 1, 2003 through May 31, 2009, the Average Loan Rate¹ You charged for TASER securities on that day.
2. Identification of any reports or other documents maintained in the ordinary course of business that reflect or show the Average Loan Rate and the identification of at least one person who received that report during the Time Period.
3. The inputs, means and methods you used to calculate the Average Loan Rate.
4. Identification of any reports or other documents maintained in the ordinary course of business that reflect or show the amount you charged a customer to borrow TASER securities (or, if you contend that you do not lend TASER common stock, the amount you charged clients and/or counterparties to have an open short position in TASER) for each day from January 1, 2003 to May 31, 2009.

¹ “Average Loan Rate” shall mean the average rate you charged clients and/or counterparties to borrow TASER common stock (or, if you contend that you do not lend TASER common stock, the amount you charged clients and/or counterparties to have an open short position in TASER). Plaintiffs refer to GSOC2_T 0004183 for a further definition of this term. Plaintiffs request you calculate the “average” based on a percentage of market value. However, if you use another method to calculate the “average” in your ordinary course of business, Plaintiffs are willing to confer on this issue.